

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

RANDOLPH MICHAEL NACOL

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§

CRIMINAL CASE NO 1:14-CR-62

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON DEFENDANT'S COMPETENCY TO STAND TRIAL**

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration. After issuing several orders and conducting a number of hearings, Judge Hawthorn filed a report and recommendation on defendant's competency to stand trial. Judge Hawthorn concluded that the defendant's mental health has recovered to the extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Based on the restoration of Mr. Nacol's competency, the magistrate judge recommended that this court find Nacol competent pursuant to 18 U.S.C. § 4241.

The parties have not objected to the magistrate judge's findings and recommendation. After filing his report regarding the restoration of defendant's competency, Judge Hawthorn also conducted a number of status conferences to confirm that Mr. Nacol's medical issues resulting from the side effects of his drug regimen had been stabilized. The record evidence shows that Nacol continues to be competent and medically stable.

The Court therefore **ORDERS** that the report and recommendation on the restoration of defendant's competency to stand trial [Doc. #47] is **ADOPTED**. The Court further **ORDERS** and **FINDS** that, in accordance with the magistrate judge's recommendation and the examiners' reports, defendant, Randolph Michael Nacol, is competent to proceed pursuant to Title 18, United States Code, Section 4241. The Court also **ORDERS** that, to the extent possible, the Attorney General make every effort to maintain Mr. Nacol's daily medication regimen while he is in transit and that the United States

Marshals Service transport him from the Federal Medical Center (FMC) in Butner, North Carolina, back to the Eastern District of Texas as quickly as possible.

The Court finally **ORDERS** that Speedy Trial time is **EXCLUDED** from May 28, 2014, the date of Judge Hawthorn's order directing a mental examination [Doc. #6], through the date of this order.

SIGNED this the 28 day of **January, 2016**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge